

1500153-Trustee-A-Rich
LENITA WEBB ARRINGTON
1027 EAST TENTH STREET
ATTORNEY AT LAW
ROANOKE RAPIDS, NC 27870

IN RE
JONAS D. GARNER
710 HALIFAX ST.

EMPORIA, VA 23847
SSN or Tax I.D. XXX-XX-1480

Richard M. Stearns
1015 Conference Dr.
Greenville, NC 27858

Chapter 13
Case Number: 15-00153-5-SWH

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 06/08/2015, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
JONAS D. GARNER	LENITA WEBB ARRINGTON	Richard M. Stearns
710 HALIFAX ST.	1027 EAST TENTH STREET	1015 Conference Dr.
EMPORIA, VA 23847	ATTORNEY AT LAW	Greenville, NC 27858
	ROANOKE RAPIDS, NC 27870	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: May 07, 2015

Richard M. Stearns
Chapter 13 Trustee
1015 Conference Dr.
Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

CASE NUMBER: 15-00153-5-SWH

JONAS D. GARNER

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on March 12, 2015, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1670.00 PER MONTH FOR 60 MONTHS.
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before May 5, 2015 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before July 8, 2015 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
 - a. Claims to be paid directly by the Debtor:

Creditor

Collateral

Repayment Rate/Term

NONE

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan. Two post-petition contractual payments shall be included in the arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments. (SEE PARAGRAPH 8 BELOW)**

Creditor

Collateral

NONE

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#008 ALLY FINANCIAL	2014 CHEVY CAMARO	\$26,460.56; TO BE PAID OVER THE TERM OF THE PLAN @ 5 1/4% INTEREST.
#010 SANTANDER CONSUMER USA	2014 DODGE DURANGO	\$36,873.07; TO BE PAID OVER THE TERM OF THE PLAN @ 5 1/4% INTEREST.
#012 SCHEWEL FURNITURE	HHG	\$1,470.16; TO BE PAID OVER THE TERM OF THE PLAN @ 5 1/4% INTEREST.

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#011 ONEMAIN FINANCIAL SERVICES, INC.	2006 DODGE CHARGER	\$3,500.00 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @ 5 1/4% INTEREST.
		\$1,601.00 UNSECURED	

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#009 CENTURY FINANCE	MONEY	AVOIDED PER ORDER: 04-15-2015

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

#013 UNITED CONSUMER FINANCIAL SERVICES, KIRBY VACCUM, THE DEBTOR ABANDONS HIS INTEREST IN THE COLLATERAL. THE TRUSTEE WILL NOT PAY THIS CLAIM UNLESS A DEFICIENCY CLAIM IS FILED.

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. Other Provisions: NONE

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'**DEBTORS:** JONAS GARNER **CASE NUMBER:** 15-00153-5-SWH**EMPLOYMENT:**

Debtor: BOARS HEAD GROSS INCOME: \$5,206.20
 PROVISIONS &
 FAMILY
 CONTRIBUTIONS

Spouse: N/A

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed**cases:**

Disposition:

Real Property: House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: N/A

FMV

Date Purchased

Liens

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

Description

FMV

Date Purchased

Liens

Purchase Price

Exemption

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$3,700.00 (excluding filing fee)**Fees:** Paid: \$323.00 (excluding filing fee)

Balance: \$3,377.00

Trustee's Recommendation: \$3,700.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$88,798.12	Pay in	\$100,200.00	Priority	0.00%
Priority	\$0.00	Less 8.00%	\$8,016.00	Secured	100.00%
Secured	\$77,808.60	Subtotal	\$92,184.00	Unsecured	100.00%
Unsecured	\$10,989.52	Req. Atty. Fee	\$3,377.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$88,807.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☒ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:**Yes ☐ No ☒

Pending:
Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

CERTIFICATE OF MAILING

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TASK: 05-06-2015.00778552.LSA000 DATED: 05/07/2015

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Court Served Electronically

Trustee Richard M. Stearns 1015 Conference Dr.
Greenville, NC 27858

Debtor JONAS D. GARNER 710 HALIFAX ST.
EMPORIA, VA 23847

799 000002 LENITA WEBB ARRINGTON 1027 EAST TENTH STREET
ATTORNEY AT LAW ROANOKE RAPIDS, NC 27870

4 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 05/07/2015.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 05/07/2015 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail